

Minutes

Title of meeting:	Wales Land Management Forum (WLMF) Sub Group on Agricultural Pollution
Location:	Microsoft Teams Meeting
Date of meeting:	7 th April 2025
Members present:	Professor Rhys A. Jones, NRW Board Member (Chair) Dennis Matheson, TFA Sarah Hetherington, NRW David Ball, AHDB Nichola Salter, NRW Eimir Williams, Farming Connect Andrew Chambers, Welsh Government Jon Goldsworthy, NRW Rachel Lewis-Davies, NFU Cymru Marc Williams, NRW Gemma Haines, FUW Elen G. Richards, NRW Michelle Griffiths, NRW Creighton Harvey, CFF Sarah James, CLA Chris Mills, Afonydd Cymru Russ Thomas, HCC
Additional attendees:	Iwan Williams, NRW Eirian Macdonald, NRW
Apologies:	Gareth Parry, FUW Delyth Lewis-Jones, AHDB Sarah Jones, Dwr Cymru Welsh Water Matt Walters, Welsh Government Catherine Osborne, Welsh Government Fraser McAuley, CLA
Secretariat:	Bronwen Martin, NRW

Item 1. Introductions, Apologies and Declaration of Interest

1. Professor Rhys A. Jones (NRW Board Member and WLMF Sub Group Chair) welcomed all to the Microsoft Teams meeting and noted apologies. Rhys mentioned that Dr Susannah Bolton was involved in a serious accident over the weekend and is therefore unable to attend this meeting. Rhys thanked Susannah for her work on the review and for engaging with the group throughout the process. The group collectively wished Susannah well for her recovery.

2. The meeting is being recorded for the purpose of capturing the minutes and the digital file will be deleted once the meeting minutes have been approved.
3. No declarations of interest were raised in respect of agenda items.
 - NB: All members of the group have completed declaration of interest forms already but should also declare if they have an interest in anything on the agenda.

Item 2. Review of Minutes and Actions

4. Rhys confirmed that once the meeting minutes have been reviewed and formally agreed by the group, they will be published on the NRW website for the public to access. Therefore, it is important that the minutes are an accurate record of the meetings.
5. The group reviewed the previous minutes from the meeting held on 20th January 2025 (meetings were not held in February or March). The January minutes were accepted as a true record.
6. Bronwen shared the outstanding actions log and verbal updates were provided where possible.

Item 3. WLMF Sub Group Communication

7. This was an opportunity to discuss the letter communicating the decision to integrate the WLMF Sub Group membership into the WLMF. The group will automatically receive invites for future WLMF meetings (unless they want to 'opt out'). The Terms of Reference of the WLMF will also be reviewed and updated to reflect the changes. The next WLMF meeting will be held in June 2025 – invites to follow.
8. This is the final meeting of the WLMF Sub Group. Rhys thanked the group for their time and contributions over many years. Agricultural pollution discussions will now be held in the WLMF and there are several potential approaches, for example have a standing item on the agenda, a dedicated themed meeting or a combination of these. It was noted that there are other established groups looking at water quality and pollution and it is important not to duplicate effort. Rhys mentioned the possibility that the WLMF Sub Group might restart in future (if necessary) but would likely adopt a Task & Finish type format to address specific work.
9. The WLMF Terms of Reference will be reviewed and updated accordingly – a draft will be circulated to members for feedback. Rhys suggested that the new format could be evaluated in a year's time.
10. The group discussed concerns including the potential risk of losing focus and lack of communication and information dissemination between the quarterly WLMF meetings. There was general agreement that one of the four WLMF meetings should be focused on agricultural pollution but acknowledged the need to trial different options and see what works through an evaluation. The group were informed that a WLMF Written Update Paper is collated prior to each of the WLMF meetings – this document contains a variety of NRW land management updates and agricultural pollution is part of this. The group were reminded that it has been a struggle to fill past agendas and members are encouraged to come forward with suggestions. It would be helpful to have a forward look of suggested items from stakeholders.

Item 4. The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021: 4-year review

11. Unfortunately, Dr Susannah Bolton (Independent Chair) was unable to attend the meeting. Andrew Chambers, Welsh Government provided an overview of the review process, a brief summary of the report recommendations and then discussed some of the next steps.
12. Welsh Government (WG) introduced The Water Resources (Control of Agricultural Pollution) (Wales) Regulations in 2021. The regulations were Welsh Government's response to wider agricultural pollution issues affecting the environment across Wales. Within the regulations, there is a requirement to review the regulations every four years. WG recognised that there are considerable concerns from the agriculture sector about the impact of the regulations, but also from environmental bodies, developers and other water users, on the impact of agricultural pollution across Wales. WG wanted to make sure that the review of the regulations was fair and appointed Dr Susannah Bolton as the Independent Chair to oversee the review. It was recognised that the Independent Chair needed to have the confidence of a wide range of stakeholders as well as the technical expertise to understand the matters under consideration – Susannah was the right person for that role which was demonstrated through the willingness of all stakeholders to positively engage with her throughout the process.
13. Key to assessing the effectiveness of the regulations was to undertake significant engagement with stakeholders, in addition to assessing the technical evidence. Access to the regulations and the ability of farmers to implement them is key to achieving the intended outcomes of the regulations and we certainly recognise that. It was also important that we understood the impacts on those affected by pollution and where the regulations may be failing to provide sufficient protection. The review had some high-level objectives:
 - to review the effectiveness of the measures introduced by the regulations to tackle water pollution
 - to assess the alternative measures proposals further
 - to consider the regulations in the context of the nature and climate emergency and our wider national and international obligations.
14. Whilst the regulations were introduced in 2021, transitional provisions were included to give farmers time to adapt to the regulations. For example, some of the more challenging aspects like those relating to infrastructure, did not apply until August 2024.
15. Due to catchment functioning, it can take decades for water quality in rivers to respond to changes in land management practises. Therefore, it's difficult to assess any impact of the regulations and the measures themselves currently, given those transitional periods and the length of time to see change in water quality. Consequently, the assessment on the effectiveness of the regulations focuses on:
 - the barriers and challenges to farmers in implementing the regulations.
 - the effectiveness of the existing measures to prevent pollution.
 - further assessing the potential alternative measures proposals and
 - consideration of regulatory gaps.

16. In terms of the technical evidence, a wide range of evidence was considered, including NRW's nutrient review assessment of nitrogen and phosphorus risks, NRW data on SAC Rivers, data on WFD catchments, data on substantiated agricultural pollution incidents, a range of other scientific and agronomic evidence as well as stakeholder submissions on water pollution and the impacts.
17. Susannah engaged with a wide range of stakeholders to really understand the issues on the ground from both a farmer perspective and a water user perspective. Andrew discussed the stakeholder feedback that was received. Some of the key issues raised included:
- the record keeping requirements of the regulations.
 - significant concerns around the complexity and the on-farm relevance of the regulations
 - the impacts on farmer well-being and the ability to comply with the regulations (e.g. record keeping being a significant area of non compliance).
 - Significant concerns around the closed periods and criticism of 'farming by calendar approach'. Although there was recognition that fixed periods provide clarity to farmers on the requirements and the ability to identify when breaches of the regulations have happened.
 - Significant concerns around the economic impacts of the nitrogen limit, specifically the 170kg/ha limit and the resulting impacts on existing manure management practises, farm viability and the potential knock-on economic impacts on the supply chain.
 - A range of stakeholders felt that the regulations do not adequately address the risks of phosphorus pollution.
 - Soil management was identified as a significant regulatory gap, with poor soil management contributing to nutrient pollution and sedimentation in rivers.
18. Regarding the recommendations, it's clear from the evidence that there are significant environmental pressures related to agricultural practises. The nature of the regulations has also been extremely challenging for farmers to implement. WG's approach to target the causes of pollution rather than taking a geographical approach was identified to be the right one. However, there is scope to improve by making the regulations more proportionate, clearer and fairer. It was noted that there are gaps in the regulations that should be addressed.
19. There are 23 recommendations within the review which focus on improved targeting of the regulations for polluting activities, reducing the regulatory burden on low risk farming activities and improving accessibility to the regulations to provide clarity to farmers on implementation. WG are also looking at further exploring alternative measures, including those relating to the closed periods and the 170kg/ha limit. WG want to look at making sure the regulations can facilitate innovation rather than being a barrier within the sector. WG also want to address regulatory gaps for example soil protection measures and improvements to the nutrient management planning requirements.
20. Regarding the Welsh Government's response, a [written statement](#) was issued by the Deputy First Minister. The written statement highlights that water quality in Wales is still being detrimentally impacted, and improvements must continue to be made. It recognises that the causes of pollution aren't limited to any one sector, but agriculture remains one of the main contributors. The Welsh Government has committed to

implement the 23 recommendations in full. The written statement also confirms that the review has identified that the general approach that we've taken is the right one and the regulations will stand as they are until the recommendations are taken forward.

21. The recommendations vary in their level of complexity but there are some aspects that WG should be able to take forward at pace. These include elements around the definitions and terms used within the regulations to provide clarity to farmers and help implementation. We also want to quickly implement changes that will make the regulations fairer and more proportionate. For example, where a store is not technically compliant with the regulations, which doesn't pose a risk to the environment, we want to explore whether we can introduce exemptions. Likewise with TB controls, where a farm is subject to these controls and creates issues with compliance of the Control of Agriculture Pollution Regulations, we want to look at exploring appropriate exemptions.
22. Andrew acknowledged that it is going to be quite challenging to work out how specific recommendations are applied. Some will not necessarily need formal consultation, but more significant changes to the regulations would require a formal consultation and Regulatory Impact Assessment. The level of expertise will potentially differ depending on the topics, but we will be working really closely with a wide range of stakeholders, as we've done throughout the review process. Additionally, we may need time limited and focused technical Task and Finish Groups. The main aim is to start working at pace to make changes that will be both beneficial for the environment and for farmers.
23. Chris Mills, Afonydd Cymru recalled that it hasn't been possible to gauge the effectiveness of the regulations on this occasion. However, in four years time, there will be a further review. Chris suggested that to review the effectiveness, you need some form of baseline to measure the effectiveness against. Chris asked about Welsh Government plans for establishing a baseline. Andrew said NRW carries out the Nutrient Review which essentially fulfils the statutory obligation to have a monitoring programme to understand the regulatory baseline. However, there are some significant challenges in establishing a baseline in terms of the issues and multiple impacts on water quality, but also on catchment functioning. Chris said one of the other ways of doing it is looking at compliance with the regulations. Andrew said that is being established through the enforcement approach. NRW are gathering data on compliance levels and Welsh Government will continue to monitor compliance. Data will increase over time, but we have to be realistic in terms of the resources that we have to undertake inspections. Michelle Griffiths, NRW said we've been providing quarterly updates to this group to give a flavour of how we're conducting the CoAPR inspections and what we're finding are the key issues. NRW are currently undertaking an annual summary following the first full year of CoAPR Team inspections.
24. Rachel Lewis-Davies, NFU Cymru said the NFU Cymru Water Quality Review Group will be meeting later this week to consider the review and Welsh Government's subsequent response in more detail. In the meantime, our initial reaction (and their member feedback) has been one of disappointment and frustration. Many of the recommendations lead us to think this is about more consideration and more review. Farmers are absolutely desperate with these regulations. NFU Cymru has highlighted the concerns around TB and these regulations for over 6 years. Farmers are left in terrible circumstances, having to face not only the heartbreak of a TB breakdown, but also having to choose which set of regulations they comply with – this is not a sustainable or tenable position for any government to put farmers in. Over 400 farmers completed the NFU survey to provide feedback on these regulations. There's a lot of

frustration around the difficulties they are facing with the implementation of the regulations, and these have simply not been understood by Welsh Government. Farmers are now living under a cloud of yet more regulation. Rachel noted that Welsh Government said in response that they will ensure that any new regulations are fair and reasonable. However, Welsh Government haven't understood that the existing regulations are not fair, and they are not reasonable. Additionally, a number of NFU Cymru members have contacted Rachel inquiring about the actual independence of the review, given that the foreword refers to 'our' and 'us'. Rachel asked who is the 'us' referring to because it is believed that Dr Susannah Bolton was appointed the Independent Chair. Rachel reminded the group of the huge swell of farmers assembling on the steps of the Senedd just over 12 months ago and NVZ was one of the reasons for them gathering. The announcement of an Independent Chair did build a level of expectation within the industry and the strength of feeling within the industry has not gone away. In the coming days, NFU Cymru will be working with their Water Quality Review Group to decide on our next steps and our response.

In the meantime, Rachel said NFU Cymru has a number of initial queries to feed in regarding the review and asked Andrew to whom they should be sent. Andrew said the review recognises the feedback from the Water Quality Group and the stakeholder feedback that was obtained through the survey. WG recognise the regulations are really challenging for farmers to implement and the recommendations focus on improvements to the regulations in that context. WG also recognise that we should be able to take forward some of the recommendations at pace, but of course, we have legal obligations and processes related to making changes to regulations. There needs to be an understanding that we need to follow proper process – the review, which was independently chaired, is the first step in that process. Dr Bolton was appointed as the Independent Chair to oversee the review, but obviously we've worked closely with her, developing the evidence base, working together on stakeholder engagement and drafting the report itself. In terms of any queries, Andrew requested that they are sent directly to him, and he will take them forward.

25. Dennis Matheson, TFA said he had read all the review information provided and mentioned that Dr Susannah Bolton took on board TFA's concerns. Dennis recalled that a case recently took four years for a landlord to provide a slurry store, and it only happened because NRW served a notice on the landlord. In another recent case, a tenant had had a NRW inspection but he didn't have his nutrient management plan on the farm at the time as it was still with the provider and the inspector didn't give him any time to produce it and immediately slapped a penalty on him which will come out of his BPS. Dennis discussed the complications for tenant farmers and possible implications of not being able to join the proposed Sustainable Farming Scheme. Andrew said 'Recommendation 18' is relevant to farm tenancies and requires WG to review if provisions under the relevant tenancy legislation provide sufficient protection and whether responsibilities could be clarified in the Control of Agricultural Pollution Regulations by improved definition. Iwan Williams, NRW said there's a need for all farms to be compliant, but there may be some leniency with respect to the timelines to get into that space – although this is dependent on the environmental risk of the farm. Iwan reminded the group that requirements of SSAFO (Silage, Slurry and Agricultural Fuel Oil) storage have been in place since 1991 which required farms to have slurry storage up to four months. NRW Officers have seen some farms without slurry stores or enough capacity. These farms need to get into compliance, and NRW will work with farmers in that context. The timeline will be dependent on the environmental risk and if

there's a serious environmental risk then unfortunately, we cannot be lenient in those circumstances.

26. David Ball, AHDB suggested that levels of compliance would not be an effective metric for measuring the effectiveness of the regulations. However, a high level of compliance would demonstrate the effectiveness of implementation of the regulation. You would need an outcome and that is dependent on water quality, therefore, the water quality metrics are needed to assess the effectiveness of the regulation.
27. Creighton recalled that the two NRW CoAPR Teams started in around October 2023 and compliance figures up until June 2024 have been shared with the group. However, we're concerned that we haven't had an update since June 2024. Creighton asked when the group will get a more up to date set of figures because this is important in terms of making complaints or reporting incidents. Additionally, there's also a question around the credibility of NRW inspection teams because people want to know that they're going out, doing the work and then reporting back. Michelle reminded the group that NRW are currently collating the end of the year summary report, but staff sickness has caused a slight delay in finalising the report. NRW must report back to Welsh Government and the hope is to then bring that summary to this group for an update. Going forward, a quarterly report will not be provided, but the intention is to bring an annual update. Nichola Salter, NRW clarified that the report will provide a snapshot to the end of the calendar year and also extend to the financial year (to be in line with the funding and business planning). Rhys suggested pencilling in a CoAPR inspection report presentation and discussion for the WLMF June meeting.

AP 7th April 01: Iwan Williams, NRW and Nichola Salter, NRW to provide an update around the CoAPR inspection report at the WLMF June meeting.

28. Gemma mentioned that FUW have felt frustrated that the review recommends consideration for further regulation and would urge the focus to be on what's already not being effective and provide resources to address it, before any discussion of expanding the regulations. FUW were also troubled by the indicative assessment of the 170kg/ha limits, simply because it underpins previous concerns that Welsh Government didn't have fundamental data when that measure was first introduced. However, FUW does welcome the opportunity for it to be further considered.

Gemma also raised concerns around the time scales for developing the programme of works following the recommendations and stressed that 'working at pace' should result in fast action. It would be really disappointing to get to the June WLMF meeting only to hear that nothing has been actioned. Therefore, FUW would appreciate seeing progress updates sooner rather than later. Andrew recognised that any additional regulatory requirements would be difficult for farmers to accept, especially given the complexity of measures. WG are starting to develop the programme of work to implement the recommendations. Regarding the indicative impact assessment for the 170kg/ha, that's really tricky as we don't have significant data for phosphorus levels within soils in Wales that would enable us to undertake a proper assessment. However, that's something that we'll consider as we look to take forward the recommendations.

29. Sarah James, CLA agreed with comments around the disappointment of some of the contents within the review. Sarah referred to the earlier discussion and suggested not only do we need a baseline, but we also need an acceptability in the water quality element. For example, it's not mentioned the impact that erosion has to water quality

not due to farm management. There are CLA members in the Usk that are literally losing acres of their fields from the riverbank being washed away into the river. Therefore, we need to understand what responsibility agriculture has with regards to water quality and where other responsibilities are. CLA has approached NRW about this issue and have asked how farmers can alleviate these issues – farms are being eaten by the river flow, and they're technically not allowed to do anything themselves. Licences are not forthcoming nor is advice on how to mitigate.

Sarah asked about the mechanisms around compliance, particularly regarding things that are outside of regulation (e.g. the planning process). Getting a grant supported muck store through the actual planning process is difficult. Farmers have to overcome barriers within the process to compliance – this particular barrier sits with the Local Authorities. Sarah said the proportion of responsibility will always point towards land ownership because owning the land means we can manage it appropriately. However, we need to understand the proportion of the contribution that agriculture puts in and the measure of the reduction of our contribution – some clarity is needed.

- 30. Rhys thanked the group for engaging in the review process and for the discussions today. Rhys also thanked Andrew and Michelle for responding to questions in Susannah's absence. It is good to hear that some recommendations may be able to be taken forward quickly. Perhaps there might be a role for the WLMF or a small Task and Finish Group to help with the longer-term process regarding the recommendations which will require consultation.
- 31. Andrew confirmed that he would be able to provide an update during the June WLMF meeting.
- 32. It was noted that many of the WLMF membership organisations will be formally responding to the Welsh Government's publication of the review.

Item 5. Any Other Business

- 33. The WLMF meeting will be held in June – invites will be circulated shortly.
- 34. The group showed their appreciation by formally thanking Professor Rhys Jones for his work as Chair of the WLMF and WLMF Sub Group on Agricultural Pollution and Bronwen Martin for her work as Secretariat. The group also acknowledged NRW for providing the Secretariat function since the groups were established.
- 35. No other business was raised.